

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GABE BEAUPERTHUY, et al.,)	Case No. 06-715 SC
)	
Plaintiffs,)	ORDER RE PLAINTIFFS' MOTION
)	TO RELATE CASES; MOTIONS TO
v.)	SHORTEN TIME; MOTION FOR
)	TEMPORARY RESTRAINING
24 HOUR FITNESS USA, INC., a)	ORDER; MOTION FOR
California corporation dba 24 HOUR)	<u>PRELIMINARY INJUNCTION</u>
FITNESS; SPORT AND FITNESS CLUBS)	
OF AMERICA, INC., a California)	
corporation dba 24 HOUR FITNESS,)	
)	
Defendants.)	
)	

Before the Court are the following six motions filed by Plaintiffs Gabe Beauperthuy, et al., ("Plaintiffs") against Defendants 24 Hour Fitness USA, Inc. and Sport and Fitness Clubs of America, Inc. (collectively "24 Hour Fitness" or "Defendants"):

Plaintiffs' Motion to Relate Cases, ECF No. 461; Plaintiffs' Motion to Shorten Time on Motion to Relate Cases, ECF No. 462; Plaintiffs' Motion for a Temporary Restraining Order ("TRO"), ECF No. 458; Plaintiffs' Motion for a Preliminary Injunction, ECF No. 463; and Plaintiffs' Motion to Shorten Time on Motion for Preliminary Injunction, ECF No. 464.

Plaintiffs state that they have recently filed in this district individual Petitions to Compel Arbitration on behalf of 273 claimants who were former class members in this action. Plaintiffs state that Defendants have recently filed and are

1 continuing to file petitions to compel arbitration as to the same
2 claimants in various district courts throughout the country (the
3 "later-filed actions"). Plaintiffs note that Defendants have
4 received motion dates as early as December 30, 2011 in some of the
5 later filed actions and therefore seek to have this Court enjoin
6 those actions prior to December 30, 2011.

7 In total, Plaintiffs ask the Court to do the following:
8 immediately grant their Motion to Relate Cases and schedule a
9 hearing on their Motion for a TRO at the soonest possible date;
10 issue a TRO at that hearing enjoining Defendants from continuing to
11 file or prosecute petitions to compel arbitration outside of this
12 jurisdiction; hold a hearing on their motion for preliminary
13 injunction prior to December 30, 2011 and issue a preliminary
14 injunction barring further proceedings in the later-filed actions;
15 and, hold a hearing on the merits of the related petitions prior to
16 December 30, 2011.

17 Plaintiffs argue that this urgent pace is necessary to prevent
18 them from having to defend their status as the first-filed action
19 in dozens of courts across the country, hire local counsel in each
20 district, and to prevent the relitigation of issues already decided
21 in this Court's prior rulings, such as whether Plaintiffs' claims
22 are time-barred and whether Plaintiffs followed the proper
23 procedures for requesting arbitration.

24 Plaintiffs' Motion to Shorten Time on the Motion to Relate
25 Cases is DENIED. Defendants shall be afforded the four days to
26 oppose the Motion to Relate provided in Civil Local Rules 3-12(e)
27 and 7-11(b), and the Court will rule on the Motion to Relate within
28 the fourteen day window provided by Civil Local Rule 3-12(f)(2).

1 After ruling on the Motion to Relate, the Court will set
2 appropriate dates for hearings on Plaintiffs' Motion for TRO and
3 Motion for a Preliminary Injunction.

4
5 IT IS SO ORDERED.

6
7 Dated: December 16, 2011

8 
UNITED STATES DISTRICT JUDGE